

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

RICHARD L. AUSBORN,

Petitioner

-vs-

Case No. C-3-07-CV-006  
District Judge Thomas M. Rose  
Chief Magistrate Judge Michael Merz

DEBORAH TIMMERMAN-COOPER,  
Warden,

Respondent

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**ENTRY AND ORDER OVERRULING PETITIONER'S OBJECTIONS (DOC. #5) AND  
ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS (DOC. #4) DISMISSING WITH PREJUDICE PETITIONER'S  
PETITION FOR HABEAS CORPUS (DOC. #1), DENYING PETITIONER CERTIFICATE  
OF APPEALABILITY AND TERMINATION ENTRY.**

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This matter comes before the Court pursuant to the Petitioner's Objections (Doc. #5), filed February 7, 2007, to the Chief Magistrate Judge's Report and Recommendations (Doc. #4) filed January 30, 2007. The Court has conducted a de novo review of all filings in this matter and finds the Objections (Doc. #5) not to be well-founded and OVERRULES same, ADOPTING the Chief Magistrate Judge's Report and Recommendations (Doc. #4) DISMISSING Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) with prejudice.

In so ruling, this Court finds, as did the Chief Magistrate Judge, that the Grounds for Relief asserted in the Petitioner's Petition are barred by the statute of limitations 28 U.S.C. 2244(d).

This Court would also find that no reasonable jurist would dispute this result and would DENY any requested certificate of appealability and leave to proceed in forma pauperis on appeal.

This matter is hereby ORDERED terminated upon the docket records of the United States District Court, Southern Division at Dayton, Ohio.

Therefore, this Court DISMISSES the Petitioner's Petition for Writ of Habeas Corpus (Doc. #1), with prejudice.

March 2, 2007

**s/THOMAS M. ROSE**

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JUDGE THOMAS M. ROSE  
United States District Court